

Summary of Proposal to Amend Rule 1.7 of Title 1, Chapter 1 of the Local Rules

Electronic Devices in Courthouses and Other Court Locations

The proposal to amend rule 1.7, entitled ***Electronic devices in courthouses and other court locations*** of the court's Local Rules ("Rules") is part of the court's continuing effort to review, correct, and update its rules as needed.

SUMMARY

The Rules and Forms Committee proposed amendments to this rule to clarify that the general prohibition on using electronic devices to record in court facilities does not apply to the use of body cameras by law enforcement personnel. The Rules and Forms Committee prepared the proposed amendment after receiving concerns from the Alameda County Sheriff's Office that the rule as written could be read as overly restrictive on Sheriff's deputies and other law enforcement officers.

Rule 1.7. Electronic devices in courthouses and other court locations

(a) Definitions

- (1) As used in this rule, "electronic devices" include cameras, video recorders, audio recorders, cellular or digital phones, notebook computers, iPads and other tablet computers, and all similar electronic, cable, digital, computerized or other forms and methods of recording, transmitting, or communicating.
- (2) As used in this rule, "photographing" means recording a likeness, regardless of the method used, including by digital or photographic methods. As used in this rule, photographing does not include drawings or sketchings of the court proceedings.
- (3) As used in this rule, "recording" means the use of any analog or digital device to aurally or visually preserve court proceedings. As used in this rule, recording does not include handwritten notes on the court record, whether by court reporter or by digital or analog preservation.

(b) Electronic devices subject to inspection

Electronic devices are permitted in courthouses and other court locations, but are subject to x-ray or visual inspection by an authorized employee of the Alameda County Sheriff's Office.

(c) Prohibited uses of electronic devices in courthouses and other court locations

- (1) Other than as provided in rule 1.150 of the California Rules of Court or as provided by a judicial officer, persons may not use electronic devices for photographing or recording in any courthouse or other court location.
- (2) Absent permission of a judicial officer, persons must turn off all electronic devices in courtrooms while court is in session.

(d) Exceptions

- (1) The Presiding Judge or designee may approve photographing or recording investitures and other ceremonial or educational programs.
- (2) A judicial officer may permit recording of testimony, if taken by or under the direction of that judicial officer.
- (3) This rule does not prohibit individuals from using electronic devices to photograph or record court files that are otherwise available for public inspection and copying.
- (4) This rule does not prohibit law enforcement individuals from using electronic devices to photograph or record while engaged in the course and scope of their official duties.

(e) Enforcement

Violation of the terms of this rule may result in the confiscation of the electronic device and may be the basis for a citation for contempt of court or an order imposing monetary or other sanctions as provided by law.

Rule 1.7 amended effective January 1, 2016; retitled as "Electronic devices in courthouses and other court locations" and adopted effective January 1, 2015; former Rule 1.7 (Civil filing venues) repealed effective July 1, 2008; adopted as sections 'A' through 'E' of Appendix to Chapter 1 effective August 1, 2000 and renumbered effective July 1, 2007; previously amended effective January 1, 2002, January 1, 2004, January 1, 2007, July 1, 2007, and January 1, 2008.